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FILED

JUL 11 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 05-00812 RMW (HRL)  
12 v. Plaintiff, ) STIPULATION AND PROPOSED  
13 SUIBIN ZHANG, ) ORDER TO MODIFY SUIBIN ZHANG'S  
14 Defendant. ) CONDITIONS OF RELEASE  
15 \_\_\_\_\_) Honorable Howard R. Lloyd

16  
17 STIPULATION

18 Subject to the Court's approval, the Defendant and the government, through their  
19 respective counsel, hereby stipulate that the Order Setting the Conditions of Release issued by  
20 the Court on December 22, 2005, be modified to a fifty-thousand dollar personal recognizance  
21 bond. The parties further agree and request that the Court order the Clerk of the Court to  
22 reconvey the Deed of Trust in the amount of \$500,000 recorded on January 13, 2006, as  
23 Instrument No. 2006-6517 of Official Records and recorded on the Clerk's Docket as receipt  
24 numbered 5513786-1/17/06, as non-cash collateral for the property located in Belmont,  
25 California.

26 The stipulation is based on the following facts. On December 21, 2004, the Grand Jury

1 returned an Indictment against Mr. Zhang. On December 22, 2005, Magistrate Judge Richard  
 2 Seeborg arraigned Mr. Zhang. On that day, the Court set bail in the amount of \$500,000. The  
 3 Court ordered that three hundred thousand dollars of the bond was to be unsecured and the  
 4 balance of \$200,000 was to be secured by cash or real property. On January 13, 2006, Mr. Zhang  
 5 recorded a Deed of Trust to secure an original indebtedness of \$500,000.00 recorded as  
 6 Instrument No. 2006-6517 of Official Records. The Trustors were Suibin Zhang, a Single Man  
 7 and Patricia M. Yu, a Single Woman All as Joint Tenants. The Trustee was First American  
 8 Title. The named Beneficiary is Richard K. Wiekking, Clerk of the Court, United States District,  
 9 for the Northern District of California. The case is currently set for a trial commencing on  
 10 October 17, 2011.

11 Mr. Zhang and his wife, Patricia (Yu) Zhang, are in the process of refinancing their home.  
 12 The refinancing cannot be completed until the title has been cleared. Mr. Zhang has appeared at  
 13 all court dates as required over the past six years. He has traveled overseas without incident, and  
 14 has never violated any of the terms of his pre-trial release. Furthermore, he is a United States  
 15 citizen with two young children, both United States citizens.

16 Defense counsel has previously conferred with Pretrial Services Officer, Josh Libby, and  
 17 he has no objections to the Modification of the bond conditions as set forth above.

18

19 Dated: July 7, 2011

/s/  
 20 MANUEL U. ARAUJO  
 Assistant Federal Public Defender

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MELINDA HAAG  
 United States Attorney

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Dated: July 7, 2011

/s/  
 24 DAVID R. CALLAWAY  
 MATTHEW A. PARRELLA  
 Assistant United States Attorneys

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26

1 ~~PROPOSED~~ ORDER

2 Good cause appearing, and by stipulation of the parties in the above-captioned matter,  
3 IT IS HEREBY ORDERED that the Order Setting the Conditions of Release issued by  
4 the Court on December 22, 2005, be modified to a fifty-thousand dollar personal recognizance  
5 bond. It is further ordered that the Clerk of the Court shall reconvey the Deed of Trust in the  
6 amount of \$500,000, as Instrument No. 2006-6517 of Official Records and recorded on the  
7 Clerk's Docket as receipt numbered 5513786-1/17/06, as non-cash collateral for the property  
8 located in Belmont, California to the persons legally entitled thereto, without warranty, all the  
9 estate, title and interest acquired by the Trustee under said Deed of Trust. All other pre-trial  
10 conditions shall remain in effect.

11  
12 Dated: 7/11/11

13 HONORABLE HOWARD R. LLOYD  
14 United States Magistrate Judge